

Section 102 Rejection

1. Claims 1-5, 7, 16, 21, 26 and 28-34 have been rejected as anticipated by Liff (US patent No. 5,713,485). Applicant traverses this rejection.

Claim 1 requires, among other things, a processor that uses descriptors to identify when enhanced data is associated with an order and, when an enhanced data is associated with an order, causing the writer to write the enhanced data to an enhanced device and otherwise causing another indicating function to be performed.

While Liff teaches label printing where the labels include bar codes (see 58 and 98 in Fig. 1), Liff fails to teach or suggest that in at least some cases a bar code 98 may not be included with a label 54. In other words, Liff only contemplates one type of label printing and that includes printing including an enhanced device (i.e., a bar code). Thus, Liff fails to teach or suggest a processor that causes a writer to write enhanced data when enhanced data is associated with an order and to perform some other function when enhanced data is not associated with an order. For at least this reason claim 1 and claims that depend from claim 1 are novel over Liff.

With respect to claim 7, claim 7 requires a source that provides containers that have enhanced devices attached thereto. Labels 58 in Liff are not attached to the containers that are provided by dispenser 20 and instead are provided by separate printer 54. For this additional reason claim 7 is novel over Liff.

With respect to claim 34, claim 34 further limits claim 1 by requiring a printer for print human readable indicia for including on a container. In this claim, the writer of claim 1 and the printer of claim 34 are different components in claim 34 as opposed to a single printer type component. Liff only teaches one printer 54 for printing information to be included on a container. For this additional reason claim 34 is novel over Liff.

Section 103 Rejection

As an initial matter Applicant notes that all of the currently pending claims in this application depend either directly or indirectly from claim 1 and therefore each is novel for the reasons that claim 1 is novel as described above.

The Office Action rejected each of claims 6, 8-15 and 17-20 as obvious over Liff in view of Foote. Applicant traverses this rejection.

With respect to claim 6, nothing in either of Foote or Liff teaches or suggests that a descriptor may indicate that no enhanced data should be included with a container. While Foote teaches a label blank that includes several different sections where some are optional, Foote clearly does not contemplate any type of enhanced device. Here, Applicant notes that Foote never once suggests a label or the like that could be used in conjunction with a data collector to gather data. Optional label sections are completely different than optional enhanced devices. Again, Liff teaches only labels that include bar codes and does not contemplate that the bar code information could be optional. Similar comments are applicable to claim 8.

With respect to claim 9, neither Foote nor Liff teach or even remotely suggest two different container sources including enhanced and non-enhanced sources and therefore this claim that requires enhanced and non-enhanced sources is novel. To the extent that the Examiner maintains this rejection, Applicant requests that the Examiner please point out the two sources in either of the two cited references so that Applicant can more meaningfully respond.

With respect to claim 10, neither of the primary references teaches or suggests a device attacher for attaching enhanced devices to a container when needed. Similarly, neither Liff nor Foote teaches or suggests the label attacher of claim 13. Thus, each of claims 10 and 13 is novel over the combination of Liff and Foote.

With respect to claims 18 and 19, see the comments above with respect to claims 10 and 13.


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AMENDMENT
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Applicant has introduced no new matter in making the above amendments and antecedent basis exists in the specification and claims as originally filed for each amendment. In view of the above amendments and remarks, Applicant believes claims 1-34 of the present application recite patentable subject matter and allowance of the same is requested. No fee in addition to the fees already authorized in this and accompanying documentation is believed to be required to enter this amendment, however, if an additional fee is required, please charge Deposit Account No. 17-0055 in the amount of the fee.

Respectfully submitted,

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